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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John Lupoi, et al.

Serial No.: 10/753,655

Filing Date: January 7, 2004

For: Motion Video Indexing Mechanism for
Athlete Recruiting Architecture

Confirmation No.: 7214

Examiner: NYA

Group Art Unit: 2183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO HAVE ITEM DETERMINED TO HAVE BEEN DEPOSITED IN THE USPTO WITH THE NON-PROVISIONAL APPLICATION PAPERS (UNDER 37 C.F.R §1.182)

Sir:

Applicant hereby respectfully petitions to have alleged omitted items, pages 80, 82, 89 and 90 of the specification, determined to have been deposited in the U.S. Patent and Trademark Office (USPTO) with the non-provisional application papers filed on January 7, 2004.

In furtherance of this petition, the following items are included:

1. A copy of the Notice of Omitted Item(s) in a Non Provisional Application;
2. A copy of the stamped Acknowledgment Receipt, indicating "Patent Application w/Cover Sheet & Express Mail Certificate of Mailing (94 pages)" submitted and received by the USPTO as evidenced by the stamp;
3. A copy of the Utility Patent Application Transmittal form, indicating 93 Total pages and 1 Cover Sheet enclosed;
4. A copy of pages 80, 82, 89 and 90 as filed; and

5. A \$130.00 check for petition fee under 37 CFR 1.17(h).

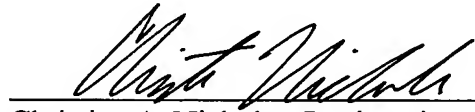
In addition, the undersigned represents that copies of pages 80, 82, 89 and 90 are present in our file with the remainder of the application and papers as filed, which was placed there in the process of submitting the application and papers to the USPTO, pursuant to our normal course of business.

The Commissioner is hereby authorized to charge payment of any fees associated with this petition or credit any overpayment, to Deposit Account No. 50-1302, including any fees under 37 CFR 1.17.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: 28 APRIL, 2004


Christian A. Nicholes, Registration No. 50,266

1600 Willow Street
San Jose, California 95125-5106
Telephone: (408) 414-1080
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on April 28, 2004 by 



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PTO/SB/17 (12/99)

Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision,
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT (\$)**130.00**

Complete if Known

Application Number 10/753,655

Filing Date January 7, 2004

First Named Inventor John Lupoi

Examiner Name Not Yet Assigned

Group/Art Unit 2183

Attorney Docket No. 60092-0012

METHOD OF PAYMENT (check one)

1. ☒ Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number

50-1302

Deposit Account Name

Hickman Palermo Truong & Becker, LLP

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

3. ☐ Applicant(s) is entitled to small entity status.
See 37 CFR 1.27.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2010	2255	1005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1330	2453	665	Petition to revive - unintentional	
1501	1330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 130.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	0.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0.00

2. EXTRA CLAIM FEES

		Highest Paid Claims	Extra Claims	Fee from Below		Fee Paid
Total Claims	30	-30=	10	X	0.00	= 0.00
Independent Claims	9	- 9**=	6	X	0.00	= 0.00
Multiple Dependent						=
**or number previously paid, if greater; For Reissues, see below						
Large Entity		Small Entity		Fee Description		
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1202	18	2202	9	Claims in excess of 20		
1201	86	2201	43	Independent claims in excess of 3		
1203	290	2203	145	Multiple dependent claim, if not paid		
1204	86	2204	43	**Reissue independent claims over original patent		
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2)				(\$) 0.00		

SUBMITTED BY

Name (Print/Type) Christian A. Nicholes
Signature *Christian A. Nicholes*
Registration No. (Attorney/Agent) 50,266
Telephone (408) 414-1080
Date April 28, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Amend, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Acknowledgment Receipt

Mailing Date: January 7, 2004
Attorney Docket No. 60092-0012

Attorney: CAN/jn
Express Mail No.: EV323351374US

Inventor(s): John Lupoi, et al.

Title: MOTION VIDEO INDEXING MECHANISM FOR ATHLETE RECRUITING
ARCHITECTURE

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- 1) Patent Application w/ Cover Sheet & Express Mail Certificate of Mailing (94 pgs)
- 2) Utility Patent Application Transmittal w/ fee calculation (1 pg) (in duplicate)
- 3) Fee Transmittal (1 pg) (in duplicate)
- 4) 12 Sheets of Formal Drawings
- 5) Check in the amount of \$773.00
- 6) Recordation Cover Sheet (1 pg)
- 7) Assignment (executed) (6 pgs)
- 8) Declaration and Power of Attorney (executed) (6 pgs)
- 9) Postcard for Return Receipt



DOCKETED

DATE: 1/13/04

DATA: *Kindly stamp the receipt date and return to addressee to acknowledge receipt of the above documents.*

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/753,655	01/07/2004	John Lupoi	60092-0012

29989
 HICKMAN PALERMO TRUONG & BECKER, LLP
 1600 WILLOW STREET
 SAN JOSE, CA 95125



CONFIRMATION NO. 7214

FORMALITIES LETTER



OC000000012403086

Date Mailed: 04/20/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **pg 80,82,89,90** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

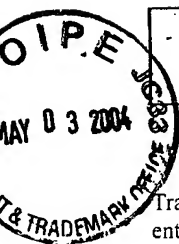
A copy of this notice MUST be returned with the reply.



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.

60092-0012

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, JOHN LUPOL, ET AL.,
entitled MOTION VIDEO INDEXING MECHANISM FOR ATHLETE RECRUITING ARCHITECTURE, for a(n):

(X) Original Patent Application.

() Continuing Application (prior application not abandoned):

() Continuation () Divisional () Continuation-in-part (CIP)

of prior application No: _____ Filed on: _____

() A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

(X) Specification 93 Total Pages; (X) Drawing(s) 12 Total Sheets; (X) Cover Sheet 1 Page

(X) Oath or Declaration: 6 Pages

(X) A Newly Executed Combined Declaration and Power of Attorney:

(X) Signed. () Unsigned. () Partially Signed.

() A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

() Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference in its entirety for all purposes.

() Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

() Power of Attorney.

(X) Return Receipt Postcard.

() Associate Power of Attorney.

(X) A Check in the amount of \$ 773.00 for the Filing Fee.

() Preliminary Amendment.

() Information Disclosure Statement and Form PTO-1449.

() Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

(X) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.

() A Certified Copy of Priority Documents (if foreign priority is claimed).

(X) Applicant(s) is entitled to small entity status. See 37 CFR 1.27.

() Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.

(X) Recordation of Assignment Cover Sheet and executed Assignment.

() Other: _____

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	30	10	\$9.00	\$ 90.00
Independent Claims	9	6	\$43.00	\$ 258.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$40.00
Basic Filing Fee				\$385.00
Total Filing Fee				\$ 773.00

Charge \$ _____ to Deposit Account 50-1302 pursuant to 37 CFR § 1.25. Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: _____

Christian A. Nicholes, Attorney of Record, Reg. No. 50,266

Date: January 7, 2004

Correspondence Address:

29989

EV323351374US

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By: _____

Typed Name: Jennifer Newell

Express Mail Label No.: EV323351374US

Date of Deposit: January 7, 2004

1 5. The method as recited in Claim 4, further comprising the machine-implemented steps
2 of:
3 receiving, through a network communication link, a request to receive a version of
4 the motion video file; and
5 in response to receiving the request, sending, through a network communication link,
6 information that instructs a motion video file player to display only selected
7 frames of the motion video file;
8 wherein the selected frames consist substantially of both frames that are associated
9 with timestamps that occur between the first timestamp and the second
10 timestamp and frames that are associated with timestamps that occur between
11 the third timestamp and the fourth timestamp.

1 6. The method as recited in Claim 4, further comprising the machine-implemented steps
2 of:
3 receiving, through a network communication link, a first request to receive a first
4 version of the motion video file;
5 in response to receiving the first request, sending, through a network communication
6 link, information that instructs a motion video file player to display only first
7 selected frames of the motion video file;
8 receiving, through a network communication link, a second request to receive a
9 second version of the motion video file; and
10 in response to receiving the second request, sending, through a network
11 communication link, information that instructs a motion video file player to
12 display only second selected frames of the motion video file;

1 9. The method as recited in Claim 7, the method comprising the machine-implemented
2 steps of:
3 receiving, through a network communication link, from the first user, second data that
4 indicates a second group of one or more segments of one or more motion
5 video files, wherein the second group differs from the first group; and
6 establishing an association between the second data and the first user;
7 wherein the group list indicates the second group.

1 10. The method as recited in Claim 7, the method comprising the machine-implemented
2 steps of:
3 receiving, through a network communication link, from the second user, third data
4 that indicates one or more one selected groups that are indicated in the group
5 list; and
6 establishing an association between the second user and the third data.

1 11. A machine-readable medium for indexing motion video, the machine-readable
2 medium carrying one or more sequences of instructions which, when executed by one
3 or more processors, cause the one or more processors to perform the steps of:
4 receiving, through a network communication link, data that indicates a segment of a
5 motion video file; and
6 in response to receiving the information, establishing an association between the
7 motion video file and the data.

1 24. The apparatus as recited in Claim 22, wherein the memory includes one or more
2 additional instructions which, when executed by the one or more processors, cause
3 the one or more processors to perform the steps of:
4 receiving, through a network communication link, third user input at a third time that
5 differs from the first time;
6 in response to receiving the third user input, storing a third timestamp that is
7 associated with a third frame of the motion video file, wherein the third frame
8 was displayed at the third time;
9 receiving, through a network communication link, fourth user input at a fourth time
10 that differs from the second time;
11 in response to receiving the fourth user input, storing a fourth timestamp that is
12 associated with a fourth frame of the motion video file, wherein the fourth
13 frame was displayed at the fourth time; and
14 establishing a second association between the motion video file, the third timestamp,
15 and the fourth timestamp.

1 25. The apparatus as recited in Claim 24, wherein the memory includes one or more
2 additional instructions which, when executed by the one or more processors, cause
3 the one or more processors to perform the steps of:
4 receiving, through a network communication link, a request to receive a version of
5 the motion video file; and
6 in response to receiving the request, sending, through a network communication link,
7 information that instructs a motion video file player to display only selected
8 frames of the motion video file;

9 wherein the selected frames consist substantially of both frames that are associated
10 with timestamps that occur between the first timestamp and the second
11 timestamp and frames that are associated with timestamps that occur between
12 the third timestamp and the fourth timestamp.

1 26. The apparatus as recited in Claim 24, wherein the memory includes one or more
2 additional instructions which, when executed by the one or more processors, cause
3 the one or more processors to perform the steps of:
4 receiving, through a network communication link, a first request to receive a first
5 version of the motion video file;
6 in response to receiving the first request, sending, through a network communication
7 link, information that instructs a motion video file player to display only first
8 selected frames of the motion video file;
9 receiving, through a network communication link, a second request to receive a
10 second version of the motion video file; and
11 in response to receiving the second request, sending, through a network
12 communication link, information that instructs a motion video file player to
13 display only second selected frames of the motion video file;
14 wherein the first selected frames consist substantially of frames that are associated
15 with timestamps that occur between the first timestamp and the second
16 timestamp; and
17 wherein the second selected frames consist substantially of frames that are associated
18 with timestamps that occur between the third timestamp and the fourth
19 timestamp.